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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,523	02/06/2004	Assaf Stoler	700546.4007	6551

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ORRICK, HERRINGTON & SUTCLIFFE, LLP  
IP PROSECUTION DEPARTMENT  
4 PARK PLAZA  
SUITE 1600  
IRVINE, CA 92614-2558

EXAMINER

CONTINO, PAUL F

ART UNIT PAPER NUMBER

2114

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/773,523

Applicant(s)

STOLER, ASSAF

Examiner

Paul Contino

Art Unit

2114

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION: Non-Final Rejection**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-3 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "approximately" and "substantially" in claims 1-3 are relative terms which render the claims indefinite. The terms "approximately" and "substantially" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The Examiner recommends the Applicant amend the claims by removing the indefinite relative terms in order to overcome the 35 USC 112 rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by Thamattoor (U.S. Patent No. 6,658,595).

As in claim 1, Thamattoor discloses a network management system for detecting and remedying malfunctions in a network device configured to transmit status signals at approximately a preselected time interval under normal operating conditions (*Figs. 1-3; column 5 lines 15-19 and 49-65, column 6 lines 49-53, and column 7 lines 1-10 and 41-67, where processing element B is interpreted as a network device*), comprising:

a communication interface for communicating with the network device (*column 4 lines 1-27, where a router is interpreted as a communication interface*); and

a processing system being configured to receive the status signals via said communication interface and to generate a control signal identifying appropriate corrective action if the status signals are not received substantially in accordance with the preselected time interval (*Figs. 2 and 3; column 6 lines 49-55, column 7 lines 1-10, and column 7 line 41 through column 8 line 5, where the processing element A is interpreted as a processing system and inherently generates a control signal in order to reset the processing element B*).

As in claim 2, Thamattoor discloses an information system, comprising:

a network system (*Fig. 1*);

a network device coupled with said network system and configured to transmit status signals at approximately a preselected time interval under normal operating conditions (*Figs. 1-3; column 5 lines 15-19 and 49-65, column 6 lines 49-53, and column 7 lines 1-10 and 41-67, where processing element B is interpreted as a network device*); and

a network management system coupled with said network system and being configured to receive said status signals via said network system, to generate a control signal identifying appropriate corrective action if said status signals are not received substantially in accordance with said preselected time interval, and to provide said control signal to said network device via said network system (*Figs. 2 and 3; column 6 lines 49-55, column 7 lines 1-10, and column 7 line 41 through column 8 line 5, where the processing element A is interpreted as a network management system and inherently generates a control signal in order to reset the processing element B*).

As in claim 3, Thamattoor discloses a method for detecting and remedying malfunctions in a network device, comprising:

providing said network device configured to transmit status signals at approximately a preselected time interval under normal operating conditions (*Figs. 1-3; column 5 lines 15-19 and 49-65, column 6 lines 49-53, and column 7 lines 1-10 and 41-67, where processing element B is interpreted as a network device*);

receiving said status signals by a network management system via a network system (*Figs. 1-3; column 5 lines 15-19 and 49-65, column 6 lines 49-53, and column 7 lines 1-10 and 41-67, where processing element A is interpreted as a network management system*);

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generating a control signal identifying appropriate corrective action if said status signals are not received by the network management system substantially in accordance with said preselected time interval (*Figs. 2 and 3; column 6 lines 49-55, column 7 lines 1-10, and column 7 line 41 through column 8 line 5, where the processing element A inherently generates a control signal in order to reset the processing element B*);

receiving said control signal by said network device via said network system (*Figs. 2 and 3; column 6 lines 49-55, column 7 lines 1-10, and column 7 line 41 through column 8 line 5*);  
and

implementing said corrective action via said network device (*Figs. 2 and 3; column 6 lines 49-55, column 7 lines 1-10, and column 7 line 41 through column 8 line 5, where it is interpreted that processing element B will reset after reception of the control signal from processing element A*).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Contino whose telephone number is (571) 272-3657. The examiner can normally be reached on Monday-Friday 9:00 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Baderman can be reached on (571) 272-3644. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PFC  
9/22/2006



**SCOTT BADERMAN**  
**SUPERVISORY PATENT EXAMINER**